

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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|-------------------------------|---|--------------------------|
| ERIC IRIZARRY-INGLES, | : | |
| | : | |
| Petitioner, | : | CIVIL ACTION NO. 22-5191 |
| | : | |
| v. | : | |
| | : | |
| SUP'T KEVIN J. RANSOM, THE | : | |
| DISTRICT ATTORNEY OF THE | : | |
| COUNTY OF LEHIGH, and THE | : | |
| ATTORNEY GENERAL OF THE STATE | : | |
| OF PENNSYLVANIA, | : | |
| | : | |
| Respondents. | : | |

ORDER

AND NOW, this 7th day of November, 2023, after considering (1) the petition for writ of habeas corpus under 28 U.S.C. § 2254 and supporting memorandum of law filed by the *pro se* petitioner, Eric Irizarry-Ingles (Doc. Nos. 2, 3), (2) the respondents' response in opposition to the habeas petition (Doc. No. 10), (3) the petitioner's reply to the respondents' response (Doc. No. 11), the state court record, and United States Magistrate Judge Richard A. Lloret's report and recommendation (Doc. No. 12); and no party having filed objections to the report and recommendation; and the time for filing objections having long passed; accordingly, it is hereby **ORDERED** as follows:

1. The clerk of court is **DIRECTED** to **REMOVE** this action from civil suspense and **RETURN** it to the court's active docket;
2. The Honorable Richard A. Lloret's report and recommendation (Doc. No. 12) is **APPROVED** and **ADOPTED**;¹

¹ Since neither party filed objections to Judge Lloret's report and recommendation, the court need not review the report before adopting it. *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987). Nonetheless, "the better practice is for the district judge to afford some level of review to dispositive legal issues raised by the report." *Id.* As such, the court

3. The petition for writ of habeas corpus (Doc. No. 2) is **DISMISSED WITH PREJUDICE**;

4. The petitioner has not made a substantial showing of the denial of a constitutional right and is therefore not entitled to a certificate of appealability, 28 U.S.C. § 2253(c)(2);² and

5. The clerk of court shall mark this case as **CLOSED**.

BY THE COURT:

/s/ Edward G. Smith
EDWARD G. SMITH, J.

will review the report for plain error. *See Oldrati v. Apfel*, 33 F. Supp. 2d 397, 399 (E.D. Pa. 1998) (“In the absence of a timely objection, . . . this Court will review [the magistrate judge’s] Report and Recommendation for clear error.” (internal quotation marks omitted)). The court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). The court has reviewed Judge Lloret’s report for plain error and has found none.

² *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (explaining requirements for obtaining certificate of appealability under section 2253(c)(2)).